

TOWN OF LOS ALTOS HILLS

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Conditional Use Permit

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A conditional use permit (CUP) is required any time the project proposal includes a use which is permitted within the zoning district only with a Conditional Use Permit.

In order to file an application for conditional use permit, you must first schedule an appointment with a planner for a pre-application conference. Applications cannot be filed without a pre-application conference and a checklist completed by the planner at that conference.

This application packet provides the information necessary to apply for a conditional use permit for any of the uses which are conditionally allowed in the Residential-Agricultural District, pursuant to Section 10-1.703. These uses include churches, recreational facilities, daycare, public and private schools, service uses; fire and police stations, Town facilities, and commercial stables.

PROCEDURE

Pre-application Conference: In order to file an application for a Conditional Use Permit, you must first schedule an appointment with a planner for a pre-application conference. The planner can advise you regarding previous precedent for approval or denial of projects similar to your proposal as well as standard conditions of approval and answer questions you may have about the process. At the pre-application conference the planner will complete a checklist of information you must submit with your application. Incomplete applications will not be accepted.

Planning Department Review: Once accepted, the application is reviewed to assure that it is complete and complies with all aspects of the Zoning Ordinance. This process usually takes two to four weeks. The Conditional Use Permit application will be routed to reviewing agencies which may include the Engineering Department, Fire Department, Santa Clara Valley Water District, Town Geologist, Pathways Committee and Environmental Design & Protection Committee.

Planning Commission Hearing: Once comments and recommendations are received from reviewing agencies, the application is scheduled for a public hearing before the Planning Commission (usually six to eight weeks from date of submittal). The Planning Department prepares a staff report and the Planning Commission holds a public hearing, considers evidence in support of the necessary findings, Section 10-1.1107 (c) of the Zoning Ordinance, and makes

a recommendation to the City Council to either grant or deny the permit on the basis of the findings.

City Council Decision: The decision of the Planning Commission will appear on the City Council agenda for public hearing, usually three weeks later. The Council may add, delete or amend the conditions. Once the City Council has made a decision, the process is complete.

PROCESSING APPLICATIONS SIMULTANEOUSLY

If you wish to expedite the processing of all necessary permits, you may file simultaneously for zoning, site development permits, and CUP. These applications will be processed concurrently and will be scheduled for the same Planning Commission agenda. Plans submitted should be titled "Conditional Use Permit and Site Development Plan". When submitted, these plans should be bound and folded to a 8 1/2 X 11 size.

APPLICATION REQUIREMENTS FOR A CONDITIONAL USE PERMIT

A complete application will contain all of the items required by the planner, as noted on the application checklist prepared at the pre-application conference. A complete submittal includes findings (see page 7) and a description of the proposed use.

At your option, you may submit a list of the signatures of the property owners within 500 feet who have no objection to the project. It is recommended that you discuss the project with neighbors affected by it prior to the public hearing. Should the neighbors find the project materially detrimental, and provide evidence of such at the public hearing, the Planning Commission and City Council will likely be unable to support finding #4 of the required findings, Section 10-1.-1107 (a).Sec. 10-1.703 Conditional uses and structures (R-A).

The following uses may be established in the Residential-Agricultural District subject to the approval of the Planning Commission and the issuance of a permit therefor pursuant to the provisions of this chapter:

- (a) Public libraries;
- (b) Churches, other places of worship, and convents, but not including funeral chapels or mortuary chapels. The number of residents of a convent shall not exceed three and five-tenths (3.5) times the estimated maximum number of lots permitted by the provisions of this chapter on such property as is devoted exclusively to convent use;
- (c) House trailers or other vehicles may not be used as primary or secondary dwellings. A temporary permit for the use of a house trailer as a dwelling for not more than thirty (30) days in any calendar year may be issued by the City Clerk upon certification that the use pursuant thereto shall be by a bona fide non-paying guest, but in all events applicable setbacks requirements shall be strictly enforced;

- (d) Recreational facilities, including recreational or community center buildings and grounds for games and sports, except those customarily carried on primarily for profit;
- (e) Large family day care homes. Large family day care homes which provide care, protection and supervision of seven (7) to twelve (12) children, inclusive, (including children under the age of ten (10) years who reside at the home) in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, pursuant to State regulations, shall be granted a conditional use permit under the following circumstances and procedures:
 - (1) Only one (1) large family day care home may be located on a parcel;
 - (2) The Zoning Administrator shall review and decide the application for a use permit;
 - (3) Not less than ten (10) days prior to the date on which the decision will be made on the application, the Zoning Administrator shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a one hundred (100') radius of the exterior boundaries of the proposed large family day care home. No hearing on the application shall be held before a decision is made, unless a hearing is requested by the applicant or other affected person;
 - (4) The use permit shall be granted on reasonable conditions regarding traffic, parking and noise control and on the condition that the home comply with the regulations adopted by the State Fire Marshal relating to large family day care homes;
 - (5) The applicant or other affected person may appeal the decision of the Zoning Administrator in accordance with this Chapter 1.
- (f) Public schools (where designated on the General Plan Land use Diagram);
- (g) Private schools (where designated on the General Plan Land use Diagram);
- (h) Public utility and service uses:
 - (1) No conditional use permit or building permit shall be required for any public utility distribution or transmission line; provided, however, the proposed routes of all electrical distribution lines carrying current in excess of fifteen (15) kilovolts and the location of public utility structures requiring rights-of-way of thirty (30') feet or more in width shall be submitted to the Planning Commission for approval prior to the acquisition of rights-of-way therefor, and any construction thereon shall not be commenced until such approval shall have been received; and

- (2) Service uses are those uses which are determined by the Council to be essential to the recruitment, establishment, maintenance, housing, or security of resource elements (including vehicular and other equipment, materials and supplies for emergency use in protective work, the restoration of public facilities, debris and wreckage clearance, and for public safety) and more fully described in the "Town of Los Altos Hills Civil Disaster and Emergency Plan" and Appendices thereto, or as hereafter amended, or those resource elements which may be required by Area, Zone, County, State, or Federal agencies to augment or implement said plan.
- (i) Fire stations;
- (j) Police stations;
- (k) Town facilities;
- (l) Commercial stables in compliance with the provisions of Chapter 1 of Title 6 of this Code and when deemed appropriate by the Planning Commission to meet the needs of the residents of the Town for stabling facilities.

ARTICLE 11. APPEALS, VARIANCES, CONDITIONAL USE PERMITS, CONDITIONAL DEVELOPMENT PERMITS AND AMENDMENTS.

Sec. 10-1.1101 Applications.

Each application for a conditional use permit, conditional development permit, variance, or appeal shall be accompanied by the following:

- (a) A reference to the specific provisions of this chapter which are involved;
- (b) As the case may be:
 - (1) A description of the use for which the conditional use permit, or conditional development permit is sought; or
 - (2) The details of the variance applied for and the grounds upon which the claim is made; or
 - (3) The interpretation claimed or decision made on which the appeal is filed;
- (c) A filing fee and a deposit for services as adopted by resolution of the Council; and
- (d) The names and addresses of every owner of property within a distance of 500 feet from the property as shown on the latest assessment roll of the County.

Sec. 10-1.1102 Appeals from decisions of administrative officials.

Any party aggrieved by the decision of any administrative official in the administration or enforcement of the provisions of this chapter relative to variances and other matters may appeal such decision to the Planning Commission. All appeals shall be in accordance with the provisions of Section 10-1.1101 of this article and subject to public hearing by the appropriate body pursuant to the provisions of Section 10-1.1105 of this article. All actions of the Planning Commission shall be in accordance with the provisions of Section 10-1.1106 of this article.

Sec. 10-1.1104. Conditional use permits; conditional development permits.

The Planning Commission shall hold a public hearing on each application for a conditional use permit or conditional development permit. Notice of such hearing shall be in accordance with the provisions of Section 10-1.1105 of this article. Actions of the Planning Commission shall be in accordance with the provisions of Sections 10-1.1106 and 10-1.1107 of this article.

Sec. 10-1.1105. Public hearings: Notices.

Notices of public hearings shall be posted in at least three (3) public posting places and posted on the property adjacent to a public street or from any access road or way to property not having public frontage. Notices of such hearings shall also be served by United States mail to the owner of the subject property, or the owner's authorized representative, to the project applicant and to each property owner whose property is within five hundred (500') feet of the exterior boundary of the property, using addresses from the latest equalized assessment roll. In lieu of using the assessment roll, the Town may require these addresses to be obtained from records of the county assessor or tax collector which contain more recent information than the assessment roll. All required names and addresses shall be provided by the applicant or his representative at the time the permit application is filed. Such posting and mailing shall be completed at least ten (10) days prior to the date of the hearing.

The notice shall state the purpose of the application, the time and place of the hearing thereon, and a statement that all written and oral statements will be considered by the Planning Commission.

Sec. 10-1.1106. Action of the Planning Commission.

Upon the approval or conditional approval of an appeal or application for a conditional use permit, conditional development permit or variance, the Planning Commission shall transmit a record of its action to the Council. The transmittal shall state the full record of the findings made and shall be filed in the office of the City Clerk by appropriate reference.

A ruling shall be requested from the City Attorney before any determination involving an unusual question of law is made or from the City Engineer in the event of an unusual question of engineering, and such ruling shall be filed with the application.

Sec. 10-1.1107. Conditional use permits, conditional development permits and variances: Approval: Conditions.

Conditional use permits, conditional development permits and variances may be granted only when facts are established which support the findings required by the provisions of this section. Conditions may be attached to any approved application in order to secure the purposes of this chapter.

FINDINGS

Findings. Conditional use permits shall be granted by the City Council only when it is found that:

1. The proposed use or facility is properly located in relation to the community as a whole, land uses, and transportation and service facilities in the vicinity;
2. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping, and such other features as may be required by this chapter or, will be needed to assure that the proposed use will be reasonably compatible with the land uses normally permitted in the surrounding area;
3. The site for the proposed use will be served by streets and highways of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use; and
4. The proposed use will not adversely affect the abutting property or the permitted use thereof.

Conditions. Every conditional use permit granted may be subject to such conditions as are deemed necessary to protect the public health, safety and general welfare and secure the objectives of the General Plan and this chapter.

Sec. 10-1.1108. Effective dates of actions of the Planning Commission.

Actions of the Planning Commission with regard to variances, conditional development permits, appeals from administrative officials, and conditional use permits shall become final on the 23rd day following the action, unless an appeal is filed in accordance with Section 10-1.1109 or Section 10-1.1110.

Sec. 10-1.1109. Appeals from decisions of the Planning Commission.

Any interested party may appeal a decision of the Planning Commission to the Council by filing a written notice of appeal with the City Clerk within twenty-two (22) days of the decision. A non refundable filing fee and a deposit for services shall accompany each appeal, except that any Council member may file such an appeal without payment of a fee.

The Council shall hold a public hearing, in accordance with the provisions of Section 10-1.1105.

Sec. 10-1.1110. Council review of actions.

Within twenty-one (21) days of the Planning Commission's approval of a variance, conditional development permit, or ruling pursuant to Section 10-1.1102, the City Clerk shall note such an approval on the agenda of a City Council meeting and the Council may discuss the action taken for the sole purpose of eliciting any desired information, following which any member of the Council may appeal the matter to the Council by noting so on the record. If the Council does not meet within twenty-one (21) days of the Planning Commission decision, the City Clerk shall give written notice of the decision to each council member. Included in that notice shall be the date by which a written appeal by a council member must be received by the City Clerk. If council member appeals the matter to the Council, the Council shall set the matter for public hearing in accordance with the provisions of Section 10-1.1105.

The Council shall set a public hearing, in accordance with Section 10-1.1105, on an application for a conditional use permit, at its first or second regularly scheduled meeting after the Planning Commission makes its recommendation of the use permit application.

Sec. 10-1.1111. Denial: Resubmission.

An application for a conditional use permit, conditional development permit, variance, or appeal which has been denied by the Council which is substantially similar to one which has been so denied may not be resubmitted by the applicant within a period of one year from the date of the final Council action.